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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,098	10/12/2001	Daniel J. Coonen	S01.12-0821/STL 10313	1688

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EXAMINER

NEGRON, DANIEL L

ART UNIT PAPER NUMBER

2651

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,098

Applicant(s)

COONEN, DANIEL J.

Examiner

Daniell L. Negrón

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4 and 6-22 is/are rejected.
7) ☒ Claim(s) 5 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4 and 6-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Murphy et al U.S. Patent No. 6,611,391.

Regarding claims 1 and 6, Murphy et al disclose a data storage device (100) for storing and accessing data in tracks on a medium having a data layout comprising a first, second, and third data sections (see Fig. 9).

Murphy et al further also discloses a first spin pad (i.e. intersector runout field) located between the first and second data section and having a first length (706) and the first data section comprising a data block (see Fig. 9).

Finally, Murphy et al further discloses a second spin pad (Fig. 9) located between the second and third data section and having a second length that is different from the first length but that is different than the first length.

Regarding claim 2, Murphy et al disclose a data storage device (100) wherein the data layout further comprises a reference mark (i.e. servo field) before the data section (see Fig. 9, disclosure thereof).

Regarding claims 3 and 4, Murphy et al disclose a data storage device (100) wherein the first length is a function of the distance from the reference mark (i.e. servo field) to a beginning of the second spin pad and wherein the second length is a function of the distance from the reference mark to a beginning of the second spin pad (column 7, lines 39-46).

Furthermore, since the timing error as described by Murphy et al is based on speed of the head, the distance between marks determine the compensation for each spin pad (i.e. ISG field).

Regarding claim 7, Murphy et al disclose a data storage device wherein the first data section further comprises a gap (see element 706, Fig. 9 and disclosure thereof).

Regarding claims 16 and 17, Murphy et al disclose a data storage medium (108) capable of storing data and having a track layout comprising a first data section and a second data section and overwrite protection means comprising a spin pad (i.e. intersector runout field) in the layout for preventing the first data section from overwriting the second data section based in part on the length of the first data section and a speed of a head (column 7, lines 23-46).

Furthermore, Murphy et al teach that the spin pad (e.g. ISR field) is used to compensate for timing errors, which are due to tolerance or variation of the speed of the head above the medium (column 1, lines 52-60).

Regarding claims 18-20, Murphy et al disclose a data storage medium (108) wherein the spin pad length that is based in part on the length of the first data section and on a distance from a reference mark (i.e. servo field) to the beginning of the spin pad (column 7, lines 39-46).

Furthermore, since the timing error as described by Murphy et al is based on speed of the head, the distance between marks determine the compensation for each spin pad (i.e. ISG field).

Regarding claim 21, Murphy et al disclose a data storage medium (108) wherein the first data section comprises a data block (see Fig. 9).

Regarding claim 22, Murphy et al disclose a data storage medium (108) wherein the first data section further comprises a gap (see element 706, Fig. 9 and disclosure thereof).

Regarding claims 8-15, method claims 8-15 are drawn to the method of using the corresponding apparatus claimed in claims 16-22. Therefore method claims 8-15 correspond to apparatus claims 16-22 and are rejected for the same reasons of anticipation as used above.

Allowable Subject Matter

3. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period


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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniell L. Negrón whose telephone number is 703-305-6985. The examiner can normally be reached on Monday-Friday (8:30-6:00) Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DLN 
May 14, 2004


DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600